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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
IDELL, JOSEPH T				
ART UNIT		PAPER NUMBER		
3636				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/526,432

Applicant(s)

YASUDA ET AL.

Examiner

JOSEPH F. EDELL

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31 is/are allowed.
- 6) ☒ Claim(s) 26-28 and 32-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 May 2009 has been entered.

Claim Objections

Applicant is advised that should claims 26-28 be found allowable, claims 32-32 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26-28 and 32-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26, the phrase "a tension adjusting mechanism that connects connection positions which are at the cloth spring material and that are in vicinities of beneath ischial tuberosities of a seated person and that are further outward and rearward than beneath the ischial tuberosities to portions of the fixed frame that are further rearward and downward than the connection positions" is unclear rendering the scope of the claim indefinite.

Regarding claim 32, the phrase "a tension adjusting mechanism that connects connection positions which are at the cloth spring material and that are in vicinities of beneath ischial tuberosities of a seated person and that are further outward and rearward than beneath the ischial tuberosities to portions of the fixed frame that are further rearward and downward than the connection positions" is unclear rendering the scope of the claim indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-41 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,273,877 to Geller et al. in view of U.S. Patent No. 6,302,487 B1 to Fujita et al.

Geller et al. disclose a seat that is basically the same as that recited in claims 37-41 and 44-46 except that the sheet is not specified as being made of a cloth spring material and the seat lacks first, second, and fourth spring members, as recited in the claims. See Figures 1-4 of Geller et al. for the teaching that the seat has a frame 45,47,48, a sheet 41, a front end portion of the sheet that is attached along its length to a front portion of the frame, a rear end portion of the sheet that is attached along its length to a rear portion of the frame, a torsion bar (shown in shadow in Fig. 4 and similar to shaft 16) of the rear portion of the frame, a connecting portion 48 of the rear portion of the frame that is rotatable about the torsion bar, a cushion member 34 over the top surface of the sheet, a surface skin (column 2, lines 50-52) over the top surface of the cushion member wherein the front portion of the frame and the front end portion of the sheet remain fixed in location when the seat is in use, and the rear end portion of the sheet is attached to the connecting portion so that the rear end portion and the connecting portion rotate about the torsion bar against a torsional load of the torsion bar when the seat is in use.

Fujita et al. show a seat similar to that of Geller et al. wherein the seat has a sheet of cloth spring material 8b (see Fig. 16), a first spring member 52 attached to a frame rear portion and to the sheet and including an extension coil spring, a second spring member 52 attached to the frame rear portion at a below location and to the

sheet and including an extension coil spring, a solid knit fabric cushion member 8a, a fourth spring member 54 (see Fig. 17) connected to side edge portions of the sheet and frame such that first and second spring members act to resist movement of the rear portion of the sheet toward the front portion of the frame and the fourth spring member acts to resist movement of the side edge portion of the sheet toward a portion of the frame opposite from the side portion of the frame when the seat is in use. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Geller et al. such that the sheet is made of a cloth spring material and to include a first spring member attached to the rear portion of the frame and the sheet at a location forward the sheet rear end portion, a second spring member attached to the rear portion of the frame at a location below the connecting portion and the sheet at a location forward the rear end portion of the sheet, and a fourth spring member connected to a side edge portion of the sheet and a side portion of the frame wherein the first and spring members act to resist movement of the rear portion of the sheet toward the front portion of the frame, the fourth spring member acts to resist movement of the side edge portion of the sheet toward a portion of the frame opposite from the side portion of the frame when the seat is in use, and the first and second spring members each has two extension coil springs attached to the sheet at respective locations equidistant from a centerline of the sheet in a left-right direction, such as the seat disclosed by Fujita et al. One would have been motivated to make such a modification in view of the suggestion in Fujita et al. that the cloth sheet and spring configuration provides for superior vibration dampening.

Please note that the duplication of parts for a multiplied effect has not patentable significance such that it would have been well within the purview and obvious to one of ordinary skill in the art to provide another extension coil spring of each of the first and spring members for enhancing vibration dampening. Although the equidistant spacing of the extension coil springs is not specifically recited, modifying the spacing would have been obvious at the time of Applicant's invention because the use of optimal workable ranges discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of design choice to modify the spacing of the extension coil springs since the Applicant has not disclosed that having the specific equidistant spacing solves any stated problem or is for any particular purpose and it appears that the extension coil springs would perform equally well with any well known spacing used in the art.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geller et al. in view of Fujita et al. as applied to claims 37-41 and 44-46 above, and further in view of U.S. Patent No. 1999,535 to Granger.

Geller et al., as modified, discloses a seat that is basically the same as that recited in claims 42 and 43 except that the seat lacks a plate member and a third spring member, as recited in the claims. Granger shows a seat similar to that of Geller et al. wherein the seat has a plate member a³ (see Fig. 3) extending along a width of the seat at a rearward location, a push plate of the plate member with a rectangular shape having a major dimension in the left-right direction, a spring member b connected to the frame and the plate member, and a plurality of compression coil springs of the spring

member that are attached to the plate member in uniform intervals in the left-right direction wherein the spring member pushes the plate member upward. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Geller et al. to include a plate member extending along a width of the seat beneath the sheet at a location rearward of the front end portion of the sheet, a push plate of the plate member with a rectangular shape having a major dimension in the left-right direction, a third spring member connected to the frame and the plate member, and a plurality of compression coil springs of the third spring member that are attached to the plate member in uniform intervals in the left-right direction wherein the third spring member pushes the plate member into a bottom surface of the sheet when the seat is in use, such as the seat disclosed by Granger. One would have been motivated to make such a modification in view of the suggestion in Granger that the plate and spring member configuration prevents strain of limbs.

Allowable Subject Matter

Claims 29-31 allowed.

Response to Arguments

Applicant's arguments with respect to claims 26-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
August 4, 2009